

### **3.5.12 Significant Modifications to Approved Development Plans That Require a Zoning Map Change**

**A.** The following changes to an approved development plan shall require that the entire plan be resubmitted for a zoning map change in accordance with the application requirements of this section:

- 1.** Increase by any amount in the number of residential units or approved density of residential projects in the overall project, except through use of the Affordable Housing Density Bonus pursuant to Sec. 6.6, Affordable Housing Density Bonus;
- 2.** Decrease by more than 20% in total density in residential projects, except in the Compact Neighborhood Tier, unless that decrease results from an inability to utilize the Affordable Housing Density Bonus pursuant to Sec. 6.6, Affordable Housing Density Bonus;
- 3.** Decrease by more than 5% in total density in residential projects located within the Compact Neighborhood Tier, unless that decrease results from an inability to utilize the Affordable Housing Density Bonus pursuant to Sec. 6.6, Affordable Housing Density Bonus;
- 4.** A cumulative increase of more than 5%, or 1,000 square feet, whichever is greater, or a cumulative decrease of more than 20% in the total square footage within a nonresidential or mixed use development;
- 5.** Any reduction or deletion of a committed element. With regard to development plans that were approved prior to the year committed elements were required to be identified on development plans, any development plan depiction that exceeds Ordinance requirements for setbacks, open space, buffer width or planting, or limitations on height shall be considered "committed elements." This shall not prohibit other aspects of a development plan from being considered "committed elements";
- 6.** Elimination or reduction of a dedication of right-of-way, greenway, or other public component;
- 7.** A change in the proposed phasing of the project where phasing plans are required;
- 8.** A change from one general category of uses (as described in Article 5, Use Regulations) to another category (i.e., residential to office, office to commercial, commercial to industrial, etc); and
- 9.** A significant change in the number, location or configuration of access points to the development, or significant changes to previously shown public road improvements.

**B.** A change in one component of the approved development plan that does not trigger any of the provisions of paragraph A above shall require zoning map change only of that component.

**C.** Notwithstanding the limitations of A above, site plans, preliminary plats, and final plats shall be allowed to deviate from approved development plans when the deviation is necessary to comply with the requirements of this Ordinance or prior adopted ordinances that govern such plans. Such changes shall be considered administrative adjustments and shall not necessitate a zoning map change.

**D.** Notwithstanding these requirements, the governing body may change the designation of less than an entire site when transfers of property to ultimate purchasers in residential areas make changing the zoning of an entire previously approved development plan impossible. The governing body may also, in its discretion, require the entire previously-approved site undergo a zoning map change.